

No fee

KJ

IN THE  
UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WILLIAM DONALD MARSHALL,  
PETITIONER,

vs.

ROBERT L. RAIGER,  
RESPONDENT,

Case # 1:CV-01-0949

NOTICE OF APPEALFILED  
HARRISBURG

JUL 24 2001

MARY E. D'ANDREA, CLERK  
PER  
DEPUTY CLERK

Notice is hereby given that, petitioner hereby appeals to the United States Court of Appeals for the Third Circuit from the Order dismissing petitioner's Petition for Writ of Habeas Corpus entered in this action on July 18, 2001.

Respondent is hereby given notice by copy thereof of this Notice of Appeal as served upon him, that pursuant to the mandatory language of 28 USC Rule 23(a) of Federal Rules of Appellate Procedure, petitioner's custody is not to be transferred to another. See Rule 23(a) which specifically asserts:

(a) Transfer of Custody Pending Review

"Pending review of a decision in a habeas corpus proceeding commenced before a court, justice or judge of the United States for the release of a prisoner, a person having custody of the prisoner, shall not transfer custody to another"

Certified from the record  
Date 7/25/01  
Mary E. D'Andrea, Clerk  
Deputy Clerk  
Per *Office Manager*

2

Respondent's disregard to the above referenced and  
excerpts of Rule 23(a) would be to violate petitioner's right  
to seek review by Appellate Court of District Court's action. No  
special order of court is required to enforce what is already  
mandatory contained in Rule 23(a) insofar as to preserve  
the right to seek appellate review.

Dated this 22, day of July, 2001

Respectfully submitted,

William Donald Marshall  
Petitioner, Pro Se.

Certificate of Service

I, the petitioner named above, do hereby certify that I have  
served upon attorney for respondent i.e. David Arnold, a  
true and correct copy of the foregoing Notice of Appeal  
on the date last above appearing.

William Donald Marshall

cc: Kenneth Wallin, Spous  
David Arnold, Esq.  
National Lawyer's Guild  
Pa. Bar Association.